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SIPDIS

DEPARTMENT FOR EUR/SCE (BRANDON AND MITCHELL) AND G/IRF
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SUBJECT: BULGARIAN COURT RULING ENDS MUSLIM LEADERSHIP
DISPUTE...FOR THE TIME BEING

REF: 03 SOFIA 2303

1. SUMMARY: A recent court ruling has resolved -- at least for the time being -- the leadership dispute that has divided the top echelons of Bulgaria's Muslim community since December 2003. A new chief mufti (the spiritual head of the denomination) has been appointed; however the community's new administrative head -- a former chief mufti who was originally appointed by the former communist regime -- will in effect control all of its resources. The ethnic-Turkish Movement for Rights and Freedoms (MRF) -- the government's junior coalition partner -- has denounced the court rulings and refused to recognize the authority of the new leadership. The MRF supports a rival faction in the leadership dispute and fears that the new leadership will not be sufficiently beholden to the party. END SUMMARY.

2. Bulgaria's former Muslim leader, Nedim Gendzhev, who is best known for his public warnings of a Muslim fundamentalist threat in Bulgaria (reftel), has been reinstated head of the Supreme Islamic Council, the Bulgarian Muslim community's administrative ruling body. He last held the position from 1995 to 1997. Originally, Gendzhev was appointed Chief Mufti in 1988, a year before Communist dictator Todor Zhivkov was toppled from power. Despite his earlier support from the Socialists, Gendzhev is not known to have any links to them currently, and instead seems to operate purely as a free agent.

3. The MRF has consistently portrayed itself as the defender of the ethnic-Turkish minority and the only guarantor of Bulgaria's ethnic tolerance. In addition to its political power, the party has exerted its influence in most spheres of life affecting its constituency, including the leadership of the Muslim denomination. The MRF has voiced its extreme displeasure with the current state of affairs, refusing to recognize Gendzhev, his Supreme Islamic Councilor the new Chief Mufti. The party has long supported Fikri Sali and his followers while painting Gendzhev and his faction as the real danger to ethnic and religious peace in Bulgaria. The MRF is likely to use every possible means to keep Gendzhev from once again taking control of the Muslim community leadership, which it views as its own domain.

4. The most recent leadership dispute was triggered in December 2003 after two rival Muslim conferences -- one organized by the MRF-supported Muslim leadership and the other by Gendzhev -- convened and elected separate chief muftis -- Fikri Sali and Ali Hadjuk, respectively. The 2002 Confessions Act's lack of specific provisions regulating the change in leadership of registered denominations meant the only option for resolving the dispute was for the two parties to file civil cases in court.

5. On 19 July, the Sofia City Court appointed an interim triumvirate of Fikri Sali, Ridvan Kadirov and Osman Osmailov (all closely linked to the MRF) to represent the Muslim community and prevent misuse of the denomination's resources pending the outcome of the civil suits. On 5 November, the Sofia Appellate Court overruled the appointment of the triumvirate, stating that the denomination's leadership could only be appointed on its own initiative and not ex officio by the Sofia City Court. Fikri Sali has appealed the decision to the Supreme Court of Cassation.

6. COMMENT: Most legal observers believe the Supreme Court will uphold the decision to re-install Gendzhev, but Fikri Sali and his supporters are unlikely to give up. There are other administrative and judicial decisions in the history of this convoluted legal battle that could -- and probably will -- be challenged in court. This is a battle over property and other resources controlled by the Supreme Islamic Council and political influence within the Muslim community. It has very little to do with spiritual matters or religious freedom. END COMMENT.
PARDEW